

REMARKS

The Office Action mailed December 15, 2003 indicated that new drawings would be required contingent upon allowance of the case. Please note that formal drawings were submitted on May 9, 2001, in response to a "Notice to File Corrected Application Papers." Formal drawings were again submitted with the Amendment mailed October 26, 2003. It is respectfully requested that either of these sets of drawings be considered as "Formal Drawings."

With this Amendment, independent claim 1 is amended. Claim 17 is amended to now depend from claim 1. Claims 19-21 have been cancelled. Claims 9-16 were previously cancelled.

In the Office Action of December 15, 2003, claims 1 and 6-8 were rejected under 35 USC §102(b) as being anticipated by Lloyd et al. (EPO 302 382 A1).

Claims 1, 4 and 6-8 were rejected under 35 USC §103(a) as being obvious over Lloyd.

Claims 1, 2, 4 and 6-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Young et al. (U.S. Patent No. 5,642,835).

Claims 1, 4 and 5-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Everhart (U.S. Patent No. 5,389,202).

Claim 1 and 4-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view of Cook et al. (U.S. Patent No. 5,242,057).

Claims 1, 3, 4 and 6-8 were rejected under 35 USC §103(a) as being unpatentable over Lloyd in view Dwiggins et al. (U.S. Patent No. 6,033,761).

Applicants respectfully traverse the §102(b) rejection to claim 1 in view of Lloyd.

Claim 1 is amended herein to alleviate any confusion as to the nature of the folds in the respective napkin sheets. Each napkin sheet includes a plurality of folds **and all folds in each napkin sheet are parallel to each other and to the tabs.** In other words, **there is no fold in any napkin sheet that is not parallel to the other folds and the tabs.** The napkin assembly of Lloyd does not have this fold configuration.

Fig. 2 of Lloyd shows lines of perforations (tabs) 12 that are parallel to one another. However, the very first fold formed in the tissue is fold line 22, **which is not parallel to the perforations 12.** Fold line 22 is perpendicular to the perforations 12 and the additional (subsequently formed) fold line 32. Fig. 2 of Lloyd depicts four different consecutive stages of the folding process undergone by the web 11 during the manufacturing process (see Lloyd at page 3, lines 28-30). The final stage shown in Fig. 2, that is the stage on the far right of Fig. 2, shows the web 11 having both an interfolding line 32 and a folding line 22 that is not parallel to fold line 32 or perforations 12.

Fig. 3 of Lloyd is not a separate configuration, but is a cross-sectional view of an interfolded clip of tissues that includes two interfolded, continuous perforated webs of the type illustrated in the last stage of Fig. 2 (see Lloyd at page 3, lines 1-2). Folding line 22 is simply not visible in the cross-sectional view of Fig. 3. However, folding line 22 is present within each of the webs 11 shown in Fig. 3 because the webs 11 of Fig. 3 are those of the last stage shown in Fig. 2.

Accordingly, it is respectfully submitted that claim 1 of the present application is not anticipated by Lloyd.

Claim 1 is also not rendered obvious by Lloyd alone or in combination with other references of record, particularly Young, Everhardt, Cook, or Dwiggins. The perpendicular MD fold 22 in the Lloyd configuration is crucial to the desired characteristics of the folded tissue. As discussed throughout Lloyd, the perpendicular nature of the folds 22 and 32 is critical to the invention of Lloyd in order to accomplish the desired resistance to tearing, MD tensile strength, and space savings (see Lloyd at page 2, lines 20-45). It is therefore the case that Lloyd specifically requires a tissue sheet configuration where the sheet has folds that are perpendicular to one another, with such fold configuration being crucial to the invention of Lloyd. It cannot reasonably be asserted that one skilled in the art would be motivated to reconfigure the Lloyd sheets in accordance with claim 1 such that all folds are parallel to each other and to the tabs. Such a modification would defeat the purpose of the invention of Lloyd.

With respect to Young, it would not have been obvious for one skilled in the art to take the interleaved sheets of Young and incorporate these sheets into Lloyd because doing so would produce a resulting sheet configuration that does not have a fold parallel to the machine direction of the sheets and perpendicular to a line of perforation (tabs) 12, as explicitly required by Lloyd. Young discloses separate overlapping ribbons, whereas Lloyd discloses one or more folding lines 22 that are perpendicular to lines of perforations (tabs) 12. Removing the perpendicular folds (folding line 22) and substituting them with the overlapping ribbons of Young would produce a design that is opposite to the requirements of Lloyd. As such, this

combination of references would not be obvious to one skilled in the art.

Everhardt was applied, particularly to claim 5, for disclosing napkins that are comprised of pulp fibers. Respectively, Applicants submit that claim 1 defines over the combination of Lloyd and Everhardt for essentially the same reasons as discussed above with respect to Lloyd.

Cook discloses a toilet seat cover 200 that has longitudinally extending fold lines 220 and laterally extending fold lines 230 (see Cook at column 9, lines 42-43; and Fig. 7). As such, Cook teaches perpendicular fold lines, as does Lloyd. Even if a combination of Cook and Lloyd were proper, such combination would not result in the fold configuration as called for in claim 1.

Dwiggins was cited for the proposition of disclosing a stack of 500 napkins. Applicants respectively submit that claim 1 is patentable over the combination of Lloyd and Dwiggins and that a combination of these references does not disclose a napkin assembly with a napkin sheet that has a plurality of folds where all the folds are parallel to one another and to a plurality of tabs.

Therefore, Applicants respectfully submit that claim 1 is in proper condition for allowance and that all claims that depend directly or indirectly from claim 1 (claims 2-8, 17, 18, and 22-24) are also in condition for allowance.

Applicants respectfully submit that all pending claims are in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues, and Applicants' attorney welcomes the Examiner's recommendation to solve any such issues.

Respectfully submitted,

DORITY & MANNING, P.A.

Stephen E. Bondura

Stephen E. Bondura

Reg. No. 35,070

P.O. Box 1449

Greenville, SC 29602-1449

(864) 271-1592

FAX (864) 233-7342